

OFFICE OF THE MONITOR

*NUNEZ, ET AL. V. CITY OF NEW YORK, ET AL.*

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January 12, 2024

**VIA ECF**

The Honorable Chief Judge Laura T. Swain  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10006

*Re: Nunez, et al. v. City of New York, et al., 11-cv-5845 (LTS)*

Dear Chief Judge Swain,

We write to provide the Court with notice that Commissioner Lynelle Maginley-Liddie advised the Monitoring Team that City Council Bill 549-A had been passed by the City Council on December 20, 2023. Given its effect on the Department's operation and management, the Commissioner requested that the Monitor advise and provide feedback to the Department on the potential impact of this bill on the Department's ability to address the dangerous conditions extant in the jails, implement initiatives consistent with sound correctional practice, and comply with the requirements of the *Nunez* Court Orders.

The Commissioner's request was made pursuant to the Consent Judgment, § XX, ¶¶ 24 and 25 and the June 13, 2023 Order, § I, ¶5. Combined, these provisions: (1) permit the Department to request the Monitor provide technical assistance or consultation on the Department's efforts to implement the requirements of the *Nunez* Court Orders, (2) permit the Department to request the Monitor provide a written response to a request regarding the Department's compliance with the *Nunez* Court Orders, and (3) requires the Department to

proactively consult with the Monitor on any policies or procedures that relate to the compliance with the *Nunez* Court Orders in order to obtain the Monitor's feedback on these initiatives. Given these requirements, the Monitoring Team responded today to the Commissioner's request with a letter outlining its assessment and concerns regarding City Council Bill 549-A.<sup>1</sup> Please advise if the Court would benefit from any further details regarding the information that has been heretofore exchanged.

Sincerely,

s/ Steve J. Martin  
Steve J. Martin, *Monitor*  
Anna E. Friedberg, *Deputy Monitor*

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<sup>1</sup> The Monitor has addressed similar issues in the past. *See*, for example, the Monitor's March 5, 2018 Report (dkt. 309), the Monitor's October 31, 2018 (dkt. 319) letter to the Court, and the Monitor's June 30, 2022 Report (dkt. 467) at pgs. 22 to 27.